

**REMARKS**

In accordance with the foregoing, claims 1, 5, 7, 11 and 23 have been amended. Claim 35 has been added. Claims 1-35 are pending and under consideration.

**REJECTION UNDER 35 U.S.C. § 112:**

Claims 5 and 7-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As mentioned forgoing, claims 5, 7, 11, and 23 have been amended to overcome the rejection.

**REJECTION UNDER 35 U.S.C. § 102:**

Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by AAPA (Applicant Admitted Prior Art) in Fig. 1 and the background section of the instant application.

Claim 1 has been amended clarifying for the present invention.

The Office Action asserts that "Elements 10, 13 and 15 of applicants admitted prior art Fig. 1 met by the prior art. Elements 10, 13 and 15 of applicants admitted prior art Fig. 1 show the function in which the actuator (including 13) pivots in a predetermined angle when no paper is stacked in the paper feed cassette (30). Also, the numbered paragraph [0009] of the background section discloses that the first sensor (15) senses the movement of the sensor operator 12 (i.e., 12 being part of the actuator (including 13) when there is no paper on the paper feed cassette (30))."

The recitation "when no paper is stacked in the paper feed cassette or" of claim 1 has been deleted in amended claim 1.

Claims 5 and 6 are deemed patentable due at least to their depending from claim 1.

**NEW CLAIMS:**

No new matter is presented, and approval and entry are respectfully requested.

Applicant respectfully submits new claim 35 reciting "A paper detecting apparatus of an image forming machine having a duplex printing function comprising: an actuator pivotably disposed above a paper feed cassette and below a duplex printing paper path, that is moved by a paper; and a paper sensor disposed next to the actuator that senses movement of the actuator and generates a signal, wherein the actuator pivots in a predetermined angle when the paper sensor generates a signal upon sensing the actuator pivot and when in two paper situations, a

first paper situation being when no paper is stacked in the paper feed cassette and a second paper situation being when paper is being fed along the duplex printing paper path.”

The Office Action acknowledges that AAPA and the background section of the instant application fail to disclose “a first paper situation being when no paper is stacked in the paper feed cassette” as recited in new claim 35.

As such, it is respectfully submitted that claim 35 be allowable.

**ALLOWABLE SUBJECT MATTER:**

Applicant notes with appreciation the Examiner's indication that claims 2-4 are in immediate condition for allowance, and that claims 2-4 contains allowable subject matter and would be allowed if placed in independent form. However, it is respectfully submitted that all of the claims in the above-identified application are allowable for at least the reasons stated above.

**CONCLUSION:**

As such, it is respectfully submitted that the rejection of claim 1 be resolved and claim 1 be in condition for allowable.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

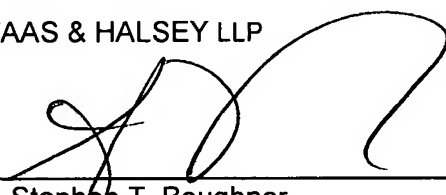
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By:   
Stephen T. Boughner  
Registration No. 45,317

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501